

**Sr. No.300****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35055-2024 (O&M)****Date of decision: 12th November 2024****SANDEEP KUMAR AND ANOTHER****.....Petitioners****versus****STATE OF PUNJAB AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate
for the petitioners.

Mr. Jasdeep Singh, DAG, Punjab.

Mr. Amar, Advocate for
Mr. Ashutosh Verma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.232 dated 20.12.2019, under Sections 325, 323, 498-A read with Section 34 IPC, 1860, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 03.07.2024 (Annexure P-2), executed between the parties.

2. The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report *qua* the genuineness of the compromise was sought from the trial Court/Illaq Magistrate vide order dated 24.07.2024.



3. Pursuant to the aforesaid order, the parties have appeared before the Additional Chief Judicial Magistrate, Faridkot and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 31.07.2024 with the following observations:-

“xxx xxx xxx xxx

- (i) *From the statements as recorded by the parties before this court, it is evident that the compromise has been arrived at between all the effected parties which is voluntarily and genuine.*
- (ii) *As per record, there is only one victim namely Amandeep Kaur and two accused persons namely Sandeep Kumar and Manjit Kaur who are party of the compromise and have got recorded their statements.*

It is pertinent to mention here that there is one more accused Reena Kaur who has also been arrayed as an accused in FIR and she has already been declared innocent and no charge-sheet has been presented against her. So she is not a party to compromise neither she is petitioner before Hon'ble High Court nor she has appeared in this court for recording the statement of compromise. Moreover, the court has not taken cognizance against the said accused.

- (iii) *As per the statement of investigating officer, no other accused has been added during investigation.*

- (iv) *As per the statement of investigating officer as well as accused persons, none of the accused has been declared proclaimed offender.*

- (v) *As per the statement of investigating officer, no offence has been added or deleted during investigation after the registration of the FIR.*

- (vi) *As per the statement of investigating officer and as per the perusal of report under Section 173 CrPC, there is one accused namely Reena Kaur who had been declared innocent on 30.10.2020 and she has put in column no.2 in the charge-sheet.*



No cognizance has been taken by the court against this accused and as per statement of investigating officer no further investigation with respect to this accused Reena Kaur is pending.

xxx xxx xxx xxx ”

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.
5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.
6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.232 dated 20.12.2019, under Sections 325, 323, 498-A read with Section 34 IPC, 1860, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners.
7. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 03.07.2024 (Annexure P-2) are violated.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th November 2024
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